

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN
DISTRICT OF MASSACHUSETTS

_____)	
In Re:)	
)	
Roland Breneus,)	Chapter 13
)	Case No. 16-10008-MSH
Debtor)	
_____)	

**OBJECTION OF THE 14 ESTELLA STREET
CONDOMINIUM TRUST TO DEBTOR'S CHAPTER 13 PLAN**

The 14 Estella Street Condominium Trust (the "Trust"), a secured statutory lien creditor in the above-referenced matter, hereby objects to the Chapter 13 Plan (the "Plan") submitted by the Debtor because the Plan fails to properly provide for the Trust in the Plan.

In support of its objection, the Trust states as follows:

1. The Debtor, Roland Breneus, is the record title owner of Unit 4, 14 Estella Street, Mattapan, Massachusetts (the "Unit"), which is located in the 14 Estella Street Condominium by virtue of Unit Deed recorded with Suffolk County Registry of Deeds in Book 36870, Page 26. The Debtor lists the Unit as his principal residence.
2. The Debtor filed the present bankruptcy action on January 4, 2016.
3. The Debtor took title to the Unit subject to the constituent condominium documents establishing the 14 Estella Street Condominium and the provisions of M.G.L. c. 183A, §6(b) which states "The unit owner shall be personally liable for all sums assessed for his share of the common expenses including late charges, fines, penalties, and interest assessed by the organization of unit owners and all costs of collection including attorney's fees, costs and charges". Such assessments shall constitute a lien on the

condominium unit for which the unit owner is personally liable; and therefore, the Trust is a secured statutory creditor of the Estate.

4. The Debtor failed to list the Trust as a secured creditor on Schedule D, failed to include the monthly condominium fee as an expense on Schedule J, failed to include the Trust in his Chapter 13 Plan and failed to provide the Trust with notice of the bankruptcy filing.
5. The Trust filed a Proof of Claim showing pre-petition arrearages to be in the amount of \$2,867.04. The Debtor's Amended Plan fails to include the pre-petition arrears to the Trust and does not account for payment of post-petition payments. Therefore, the Debtor has failed to adequately account for the Trust in his Plan, and the Trust does not accept the Plan as proposed.

WHEREFORE, the 14 Estella Street Condominium Trust respectfully requests that this Court deny confirmation of the Debtor's Chapter 13 Plan and grant such other and further relief as this Court deems just and proper.

Respectfully submitted,
14 ESTELLA STREET CONDOMINIUM TRUST

By its attorneys,
MARCUS, ERRICO, EMMER & BROOKS, P.C.

Dated: May 9, 2016

/s/ Laura White Brandow
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CERTIFICATE OF SERVICE

I, Laura White Brandow, attorney for the 14 Estella Street Condominium Trust, do hereby certify that on May 9, 2016, I served the foregoing “OBJECTION OF THE 14 ESTELLA STREET CONDOMINIUM TRUST TO DEBTOR’S CHAPTER 13 PLAN”, by causing same to be electronically filed with the Court, and by causing a copy of the Objection to be mailed first class, postage prepaid, to any of the parties listed on the attached Service List, not noted as having received electronic service.

/s/ Laura White Brandow
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SERVICE LIST

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